

## ***INDEPENDENT REVIEW PANEL***

### **FTAA POLICE TRAINING, ORGANIZATION AND DEPLOYMENT**

#### **INTERIM DRAFT REPORT**

**Department Reviewed:** Miami-Dade Police Department

**Committee Meeting Date:** February 13, 2004

**IRP Discussion Date:** March 24 and April 22, 2004

**Committee:** IRP Members: Joseph F. Lopez, Esq., Committee Chairperson; Jorge E. Reynardus, Esq.; Chief John S. Ross; and Julia Dawson, Esq. IRP Staff: Eduardo I. Diaz, Ph.D., Executive Director; Carol Boersma, Executive Assistant to the Director; and Duhamelle Desire, Community Affairs Specialist.

Present from MDPD: Captain Steve Rasmussen, Lieutenant Bruce Nelson, Major Tony Galindo, Captain Don Kausal, Robert Knabe, Miami Dade Police Department MDPD, Legal Advisor.

**Audience:** Steven Wetstein, Amnesty International, Miami; Jeffrey Keating, FSTU/IMC; Al Crespo, Photojournalist.

The discussion was focused on Police Training, Organization and Deployment during the Free Trade Area of the Americas (FTAA) Ministerial conference.

#### **Who was in charge of Police Operations during the FTAA Ministerial?**

MDPD Captain Steve Rasmussen responded that the Miami-Dade Police Department covered a geographic area from 4<sup>th</sup> street to I-395, the bay to I-95, and other areas such as the Government Center, Vizcaya, Metrorail, Metromover, and courthouse. The City of Miami along with its partners covered from 4<sup>th</sup> Street south. MDPD participated at the request of the City of Miami but worked independently of City of Miami. There was constant communication, however.

The MDPD Incident Commander was Chief Randy Heller, who reported to the MDPD director. The Field Commander was Major Lou Battle. Captain Rasmussen stated that he was not aware of any specific FTAA agreements among police departments; however prior mutual cooperation agreements were in existence.

The comment was made that the community needs to have an understanding as to who was in charge because some believe Miami Police Chief Timoney commanded all FTAA police operations,

when in fact he was in charge of the City of Miami, municipalities and other entities that partnered with the City. MDPD operated independently, but did respond to City of Miami requests.

## **Training**

### **What were the pre-ministerial training procedures?**

Lieutenant Bruce Nelson elaborated on the MDPD training, which consisted of 40,000 man hours of training, beginning in April of 2003. Task Force and Mobile Field Force Command training was a 3-day session from June 30-July 2 of 2003. There was one 40-hour course for commanders conducted by the Department of Homeland Security, and another 40-hour course that addressed communications, mobile field force formation, crowd dynamics, intelligence, prisoner processing, use of force and legal issues. Mobile Field force training was 16 hours for each mobile field force. There was also Chemical Agent Training and Bike Training. Cut Team training was for dismantling an apparatus demonstrators might use called a Sleeping Dragon.

Supplemental Rehearsal Training was held in downtown area where the task force would be operating. Captain Rasmussen added that peaceful demonstrations, violent crowds and other types of situations were all part of scenario training.

### **What was done specifically in training to address the First Amendment rights of demonstrators?**

Captain Kausal responded that all trainings addressed demonstrators' rights. A document entitled "FTAA Training for Task Force/Field Force Commanders," dated November 7, 2003, identifies 20 items relating to legal matters. Demonstrators' rights are not one of the issues.

### **Was training focused on a "worst case" scenario?**

Training focused on a variety of scenarios, including "worse case" scenarios.

### **Were there training strategies aimed at isolating the violent from the peaceful, or did MDPD train to react to the crowd in general?**

Captain Rasmussen responded that when a specific situation takes place in a crowd, officers address the individual involved. There is a specific tactic to isolate the problem from the crowd and specific tactics on how to deal with large crowds.

Captain Kausal explained that MDPD tries to identify the perpetrator. If the individual cannot be identified, then MDPD will proceed in lines.

### **Is there any additional training that MDPD officers should have received or could benefit from for future events like the FTAA?**

Captain Rasmussen stated that there have been several committee meetings discussing future outcomes although he has not been part of them. He can't elaborate on findings.

## **Deployment**

MDPD had a tactical operations center at the AAA arena under the command of Major Louis Battle. Representatives from other jurisdictions were present. There were a total of 12 field forces: 8 standard field forces with 64 officers each, 4 enhanced field forces of 84 officers each, 4 mobile forces of 60 officers each, 2 special events response team of 30 officers, and a bike squad of 40 officers.

### **What orders were issued to MDPD in terms of reacting to the crowd?**

Captain Rasmussen replied that Field Force units were under the command of lieutenants. Officers were instructed to be tolerant, to try to identify protest leaders and negotiate with them.

### **How did MDPD communicate dispersal orders?**

Captain Kausal stated that orders were communicated through megaphones. Megaphones could be heard from 20-30 feet. Captain Rasmussen added that there was also equipment on loan called LRAD. It was a good device that could project sound, very expensive and never used by the department. The City did not request use of the equipment and may not have known it was available. The equipment was not used by MDPD Friday afternoon because it was returned that morning.

### **Who decided to corral demonstrators on Thursday?**

The City of Miami Incident Commander Deputy Chief Fernandez was responsible for the decision to move the demonstrators with Field Forces.

### **Was dramatic show of force a planned strategy?**

Captain Rasmussen responded that MDPD used that strategy only when necessary. When the Immokalee Workers groups marched south on Tuesday, armored officers were deployed due to intelligence reports of a planned Bayside gate penetration attempt.

### **What was the policy regarding individual identification of police officers in riot gear?**

Captain Rasmussen explained the riot gear was new and they only thought to insure identification of those in command of the Field Forces and other designated units.

Al Crespo expressed surprise of the lack of consideration for all officers to be readily identifiable given it has been an after action issue in other cities.

## **Metrorail and Metromover Stoppage**

### **Why was service stopped?**

Captain Rasmussen replied the Metrorail and Metromover were stopped briefly 2-3 times during the week for different reasons such as a bomb hoax and violent groups congregating.

### **Who ordered service stopped?**

Major Battle made the decisions.

## **Undercover Activity**

### **What was the extent of undercover activity?**

Captain Kausal stated that MDPD had officers in plainclothes on the street to observe and relate information to command personnel. MDPD also used civilian “sources.” MDPD officers were not assigned to attend meetings of church groups.

### **Were “provocateurs” utilized?**

Captain Rasmussen responded that MDPD did not use undercover police officers to provoke incidents.

## **The protest outside the main jail on Friday**

Captain James O’Donnell was the commander of the Task Force.

Captain Rasmussen stated that a group of peaceful protestors were outside the State Attorney’s Office and they were allowed to remain in the parking area. However, that changed when intelligence was received that some protestors in the crowd were collecting rocks and planning to assault officers. When the protestors became disruptive and unruly, MDPD gave dispersal orders. Some people did not disperse and were placed under arrest.

### **How far did the crowd have to disperse?**

There was no specific distance required to satisfy a dispersal order. Some arrests were made more than 5 blocks from the dispersal order point.

### **Can an individual leaving the scene still be subject to an arrest?**

Captain Rasmussen stated that it would be at the discretion of the officers to determine if an individual was cooperating or not.

**What if everyone didn’t hear the dispersal order?** There were noisy helicopters in the area.

Captain Rasmussen replied that dispersal orders are exact instructions given by megaphone and repeated over and over. The two minute dispersal order given by Lt. Jeff Schmidinger on November 21, 2003 was clearly audible on videotape provided by the demonstrators.

**Was there were any rock throwing?**

Captain Rasmussen replied not to his knowledge. Al Crespo, who was taking pictures during the incident, stated no rocks were thrown. Arrest affidavits provided to the IRP did not document rock throwing.

**Other Matters**

Some citizens, including union members, said they negotiated agreements with the City of Miami to protest at specific times and places. **Was MDPD aware of the agreements that had been made between City of Miami, their partners and demonstrators and unions?**

Captain Rasmussen remarked Miami-Dade was aware that negotiations had taken place. Testimony in later committee meetings revealed that MDPD was not aware of all the details of some agreements relating to Thursday, November 20.

**Was MDPD involved in the decisions to prevent the passage of busses to the Amphitheatre protest site?**

The evidence does not support a decision to block buses, but rather that buses were blocked by MDPD decisions made to place perimeters along certain streets to control protesters.

**Would police have been threatened if a map had been published in The Miami Herald showing designated access sites to the protest areas?**

Captain Rasmussen responded that traffic routes were published. He did not see a problem with publishing demonstration sites.

MDPD got legal assistance from the MDPD Legal Bureau and the SAO. **Did MDPD consider involvement of non-government lawyers from the local Bar Association?**

Captain Rasmussen stated there was a legal committee but that question would have to be addressed by the MDPD Legal Bureau.

**Did MDPD work with the Miami-Dade CRB in regards to FTAA?**

Captain Kausal said he gave a presentation to the CRB.

**Are video records made by the police available for the public inspection?**

Captain Rasmussen replied yes, all documents of MDPD are public records.

**What policy and/or procedures need to change?**

The After-Action report documents several MDPD concerns regarding what needs to change and recommendations.

**How did MDPD make its decisions about use of chemicals, tear gas and other non-lethal weapons?**

The latest Less-Lethal Munitions Policy was approved by the MDPD Director on October 29, 2003 and reads as follows: “It is the MDPD policy to consider the option of Less-Lethal Munitions force technology to overcome resistance to a lawful arrest or apprehension, or for defensive purposes. The actual deployment of Less-Lethal Munitions is “authorized by the Task Force or the MFF Commander at the scene of a MFF operation.”

Captain Rasmussen replied MDPD used one pepperball and one use of pepper spray on Friday. Later testimony documented the use of three pepperballs on Friday.

**Comments from floor**

Al Crespo inquired about the use of predetermined strategy for the dispersal of the protestors Thursday afternoon. Captain Rasmussen replied that there were no predetermined strategies; MDPD just followed orders given by commanders and did respond to requests by the City of Miami to move Field Forces.

Al Crespo also elaborated on residents in Overtown and their concerns about the violent protestors in their area. This created a problem for Overtown citizens because the so-called violent behavior that was created in downtown was now pushed into Overtown. Mr. Crespo stated there are videos where residents state that police went into Overtown and warned residents that protestors would be moving in their direction.

Mr. Crespo questioned whether the driving of demonstrators into Overtown was intentional, as suggested by some media people. He stated that protestors were between 1st & 2<sup>nd</sup> Avenues for some time and orders to disperse could have directed the crowd to the empty parking lot next to the City parking garage. Here police could have encircled the protestors and prevented them from moving into Overtown.

Steve Wetstein expressed about the cordon of Miami-Dade police that was on NE 4<sup>th</sup> St. and then moved south to NE 3<sup>rd</sup> St. This cordon prevented many people from attending the Amnesty International event at the Torch of Friendship.

Steve Westein also expressed concerns about the Hialeah Police actions in The Torch of Friendship area. Dr. Diaz replied that the Hialeah Police Department was a City of Miami “partner,” and their actions may have been requested by the city.

Jeffrey Keatings inquired about effectiveness of police training. Captain Rasmussen believed that MDPD training was effective; every officer did an excellent job.